

Cohen 380 Reissue

2. The declaration is defective because the states errors were not corrected in the reissue application.

Response: Applicant respectfully traverses.

The Declaration states that:

- Independent claim 17 refers to a “budgeted calling time and amount,” but the invention is believed to be broader in that it encompasses a prepayment for communication service.
- Claim 17 also specifies a voice response unit, but the invention is believed to be broader in that it encompasses any means for signaling a user that the prepayment is being exhausted and the user can choose some action to be taken when the prepayment is exhausted.
- Independent claim 1 has similar unnecessary limitations and, additionally, refers to a “telephone line,” but the invention is believed to be broader in that it encompasses other communication channels.
- Independent claim 13 has unnecessary limitations similar to claim 1.

To summarize, applicants have determined, and stated in the Declaration, that the phrases “telephone line,” “budgeted calling time and amount,” and “voice response units” constitute an unnecessary limitation. To correct this error, a new independent claim 21 was introduced that does NOT include these phrases. Thus, the amendment filed in the Reissue application correct the errors referred to in the September 9, 2004 Declaration. Additionally, independent claims 32, 37, 39, and 53 were added, and these also correct at least some of the errors.

While it is true that, responsive to the Examiner’s rejections and a restriction requirement, these claims are not presently in the case, that does not take away from the fact that the amendment filed upon reissue DOES CORRECT the errors identified in the Declaration. It is noted, in passing, that prosecution in this case has not ended and that applicants anticipate to eventually get the full breadth of protection to which they are entitled.

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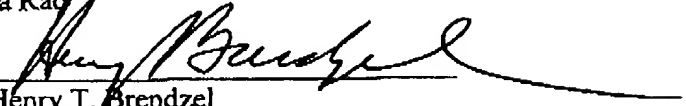
3. An amendment filed 2/26/2003 requires a supplemental Declaration.

Response: This amendment is filed to primarily deal with the issues addressed above, but a supplemental amendment is not being sent now because the Examiner can still reject the claims. Once all claims are allowed, save for the need to file a supplemental amendment, applicants will submit the supplemental Declaration pursuant to 35 CFR 1.174(b)(1)(ii), as stated by the Examiner.

Favorable action is respectfully requested.

Respectfully,
Steve L. Cohen
Michael Davitt
Leonard Matulewski
Alan B. Moshinsky
Kathleen T. Quinn
Usha Rao

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By 
Henry T. Brendzel
Reg. No. 26,844
Phone (973) 467-2025
Fax (973) 467-6589
email brendzel@comcast.net